

CONSTITUTION OF THE STATE OF Kosrae
(Including Amendments passed by 2005 Constitutional Convention)

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CONSTITUTION OF THE STATE OF KOSRAE

Preamble

We are one. As a people, in our language, in our traditions, and in our common habitation and love of this island, we are one.

We are rich. In the bounty and beauty of our island and its waters, and in our family and communal life, we are rich.

We are proud. In our way of life which in essence has survived the assaults of colonizers and the ravages of time, and in the wisdom of our aged people and the vigor of our youth, we are proud.

We are strong. In our faith in our communal ability for compromise and flexible growth, and in our emerging democratic institutions, we are strong.

We are concerned. In our common apprehension that our traditions, our island and sea, and our communal spirit will be tested as we together forge a new island destiny, we are concerned.

We are hopeful. In our faith in Divine Providence, our traditions, and our institutions, and in our knowledge that the past sufferings and sacrifices of ourselves and our forebears have prepared us for our common future, we are hopeful.

We are determined. In our common desire to enhance the quality of life for all, while preserving what is best in our legacy, we are determined.

To confirm our oneness, to preserve our natural riches, to renew our pride, to fortify our strengths, to meet our concerns, to guard our aspirations, and to enable our determination,

WE, THE PEOPLE OF KOSRAE, give life to and establish this Constitution.

ARTICLE I Supremacy

Section 1. This Constitution is the supreme law of the State. An act of government in conflict with this Constitution is invalid to the extent of conflict.

ARTICLE II The Community and the Individual

Section 1. Except when a tradition protected by statute provides to the contrary:

- (a) No law may deny or impair freedom of expression, peaceable assembly, association, or petition.
- (b) A person may not be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws.
- (c) Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status.
- (d) The right of the people to be secure in their persons, houses, papers, and other possessions against unreasonable search, seizure, or invasion of privacy may not be violated. A warrant may not issue except on probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.
- (e) The defendant in a criminal case has a right to a speedy public trial, to be informed of the nature of the accusation, to have counsel for his defense, to be confronted with the witnesses against him, and to compel attendance of witnesses in his behalf.
- (f) A person may not be compelled to give evidence that may be used against him in a criminal case, or be twice put in jeopardy for the same offense.
- (g) Excessive bail may not be required, excessive fines imposed, or cruel and unusual punishments inflicted. The writ of habeas corpus may not be suspended unless required for public safety in cases of rebellion or invasion.
- (h) Capital punishment is prohibited.
- (i) Slavery and involuntary servitude are prohibited except to punish crime.
- (j) A bill of attainder or ex post facto law may not be passed.
- (k) A citizen of the Federated States of Micronesia may travel and migrate within the State.
- (l) Imprisonment for debt is prohibited.

Section 2. The State Government shall protect the State's traditions as may be required by the public interest.

- Section 3. Any conveyance of land from a parent or parents to a child or children, may be subject to such conditions as the parent or parents deem appropriate, provided, that such conditions are in writing at the time of conveyance and duly reflected in the certificate of title.
(Section 3 added by 1995 Con. Con.)
- Section 4. Marriage, pursuant to Kosrae tradition shall consist only of the union of a man and a woman. The lawful authority to perform marriage ceremonies shall not be vested in those individuals who hold public office, including the Governor, Lieutenant Governor, Speaker, Vice Speaker, or any State Court justices.
(Section 4 added by 1995 Con. Con.)
(Line 1 of Section 4 added by 2005 Con. Con.)

ARTICLE III Suffrage

- Section 1. A citizen of the Federated States of Micronesia who is a domiciliary of the State, has attained the age of eighteen, and is registered to vote in the State is entitled to vote in secret in all State Government elections, subject only to a residence requirement and disqualification for mental incompetence and conviction of a crime which shall be prescribed by law.

ARTICLE IV The Legislature

- Section 1. The legislative power of the State is vested in the Legislature and extends to all rightful subjects of legislation not inconsistent with this Constitution.
- Section 2. The Legislature is composed of fourteen Senators who are elected by the qualified voters of the electoral districts of Lelu, Malem, Tafunsak, and Utwe.
- Section 3. Until reapportionment, Senators are apportioned as follows: Lelu elects five Senators; Malem elects three Senators; Tafunsak elects four Senators; and Utwe elects two Senators. Reapportionment of the Legislature shall be made on the basis of population every ten years.
- Section 4. Senators are elected at a general election. The term of office is four years, beginning at noon on the second Tuesday of January following the general election, and ending at noon on the second Tuesday of January following the next general election, except that a Senator may not hold the same office for more than three consecutive terms and is ineligible to hold the same office until at least four years have passed since his last day in office.
(Amended by 1995 Con. Con.)

- Section 5. Any vacancy in the Legislature is filled for the unexpired term by special election, except that an unexpired term of less than one year is filled by appointment by the Governor of a resident of the electoral district in which the vacancy exists.
- Section 6. No person is eligible to serve as a Senator unless he has been, at the time of election or appointment, a citizen of the Federated States of Micronesia for not less than ten years, a resident of the State for not less than five consecutive years immediately preceding the election, and a resident of his electoral district for a period of not less than one year immediately preceding the election or appointment, and is able to read and write, and is not less than twenty-five years of age on the day of election. The term "resident" shall be defined by law. A person convicted of a felony is not eligible to serve as a Senator unless the person so convicted has received a pardon restoring his civil rights at least five years prior to election or appointment.
(Amended by 1995 Con. Con. Effective upon the first general election after ratification.)
(Amendment of "Resident" definition requirement added by 2005 Con. Con.)
- Section 7. No Senator may hold another public office or public employment, nor may he for one year succeeding the term for which he was elected or appointed, be elected or appointed to any public office or employment which was created, or which had its emoluments increased, by legislative act during such term.
- Section 8. No Senator may be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions, and Senators are, in all cases except felony or breach of the peace, privileged from arrest during their attendance at sessions or committee meetings of the Legislature, and in going to and returning from the same.
- Section 9. Senators receive compensation as prescribed by law. No law increasing compensation may take effect until the end of the term of office for which the Senators voting thereon were elected.
- Section 10. The Legislature shall organize and determine the qualifications of its members on the second Monday of January following the general election, shall convene its meetings on the following day, and may meet regularly for four years. A regular session shall not exceed thirty calendar days, excluding Sundays, provided that the number of regular sessions may be prescribed by law. A special session may be convened at the call of the Governor, or by the Speaker at the written request of two-thirds of the Senators.
(Amended by 1995 Con. Con.)
- Section 11. The Legislature is the judge of the qualifications of Senators and may, for misconduct, disorderly behavior, or neglect of duty by a Senator, punish the Senator by censure or upon a vote of three-fourths of the Senators, by suspension or expulsion of the Senator.

- Section 12. The Legislature shall choose its own officers, including a Speaker, Vice-Speaker and Floor Leader, determine its rules of procedure, and keep a journal. The Legislature has and may exercise all the authority and attributes inherent in legislative bodies, including the power to institute and conduct investigations, issue subpoenas to witnesses and other concerned parties, and administer oaths.
- Section 13. Three-fourths of the Senators constitute a quorum for the conduct of ordinary business, for which a majority vote of the quorum suffices. The final passage of a bill or resolution requires the vote of two-thirds of the Senators taken by a roll call vote and entered in the journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent Senators in a manner and subject to such penalties as the Legislature may prescribe.
- Section 14. No law may be passed except by bill. A law may embrace but one subject, which is expressed in its title. The enacting clause of each law is, "Be it enacted by the Kosrae State Legislature."
- Section 15. No bill may become law unless it passes two readings in the Legislature on separate days. No bill may pass final reading unless printed copies of the bill in the form to be passed have been made available to the Senators. Resolutions may be adopted upon a single reading in the Legislature.
- Section 16. A bill passed by the Legislature shall be certified by the Speaker and the Clerk of the Legislature and thereupon be presented to the Governor. If the Governor approves the bill, he shall sign it and the bill becomes law. The final passage of a bill may not occur less than thirty days prior to the end of the term of the Legislature.

The Governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the item or items, but he may veto other bills only as a whole. If the Governor vetoes any bill, item or items, he shall return the bill with his objections to the Legislature.

The Governor has thirty days to consider a bill presented to him, and the bill becomes law on the thirtieth day if it is neither signed nor returned on or before that day.

Resolutions directed to the Governor shall be answered in writing not later than thirty days after transmitted. If the Governor is requested to take action, the answer shall include a progress statement or the reasons why the action is not feasible.

(Amended by 1995 Con. Con.)

- Section 17. Upon receipt of a veto message from the Governor, the Legislature may reconsider the vetoed bill, or the item or items vetoed, and again vote upon the bill, the item or items. The vetoed bill, item or items, become law if approved by a vote with four-fifths of the Senators on one reading. If, upon receipt of a veto message from the Governor, the Legislature is not in session or recess, the

Legislature may reconsider the vetoed bill, item or items, in the next regular or special session. A vetoed bill may be amended to meet the objections of the Governor and, if so amended and passed upon one reading, it shall again be presented to the Governor, and becomes law only if signed within ten days after presentation.

(Amended by 1995 Con. Con.)

- Section 18. The Governor shall have the laws published in both the Kosraean and English languages within sixty days after they become laws. Resolutions shall be published in both the Kosraean and English languages within sixty days of their adoption by the Legislature. Laws and resolutions so published shall be distributed to public officials and offered for sale to the public at the actual cost of publication. In the event of a conflict between the English language version of a law and the Kosraean language translation of the law, the English language version is controlling.

ARTICLE V The Executive

- Section 1. The executive power of the State is vested in the Governor.

- Section 2. The Governor and Lieutenant Governor are elected by the qualified voters of the State at a general election. The Governor and Lieutenant Governor may be elected together from one ticket. The person or pair receiving a majority of votes cast wins. If no person or pair receives a majority of the votes cast, a special election shall be held between the two persons or pairs receiving the highest number of votes in the general election. In the event that an independent candidate prevails over a pair of candidates on the same ticket, and there is no majority vote for an independent candidate for the office not filled by the prevailing independent candidate, then a special election shall be held to fill the office left vacant.

(Amended by 1995 Con. Con.)

- Section 3. The term of office of the Governor and Lieutenant Governor begins at noon on the second Tuesday of January following the general election and ends at noon on the second Tuesday of January four years thereafter. A Governor may not hold the same office for more than two consecutive terms and is eligible to hold the office of Governor only after one full term has intervened since his last day in office.

(Amended by 1995 Con. Con. The beginning date for term of office is effective as of the first full Governor's term beginning after ratification. The consecutive term provision is effective upon first general election after ratification.)

(Amended by 2005 Con. Con. To add Lieutenant Governor)

- Section 4. No person is eligible for the office of the Governor unless he has been a resident of the State for at least ten years immediately preceding filing for office, is at least thirty-five years of age, a citizen of the Federated States of

Micronesia, a Kosraean by birth, and a qualified voter of the State, and has not been convicted of a felony unless he has received a pardon restoring his civil rights at least five years prior to the election date. The term “resident” shall be defined by law.

(Amended by 1995 Con. Con. Effective upon first general election after ratification.)

(Amendment of “Resident” definition requirement added by 2005 Con. Con.)

Section 5. The Governor may not hold another public office or public employment during his term of office.

(Amended by 1995 Con. Con. Effective upon first general election after ratification.)

Section 6. The Lieutenant Governor has the same qualifications as the Governor. The Lieutenant Governor is elected at the same time and for the same term.

(Amended by 1995 Con. Con.)

Section 7. The Governor and Lieutenant Governor receive annual salaries as prescribed by law. The salaries may not be increased or decreased for their terms of office except by general law applying to all State Government employees.

Section 8. If the office of Governor becomes vacant, the Lieutenant Governor becomes Governor. The Lieutenant Governor exercises and discharges the powers and duties of the office of Governor during the absence of the Governor from the State or the inability of the Governor to exercise and discharge his powers and duties. If the offices of both the Governor and Lieutenant Governor become vacant, the vacancy in the office of the Governor is filled in a manner prescribed by law. Succession to the office of the Lieutenant Governor shall be prescribed by law. During the absence or disability of both the Governor and Lieutenant Governor, a head of a principal executive department exercises and discharges the powers and duties of the office of Governor.

Section 9. The Governor is responsible for the faithful execution of the laws.

Section 10. The Governor may grant reprieves, commutations, and pardons after conviction, subject to regulation by law, except in cases of impeachment. No reprieve, commutation, or pardon may be granted to a person holding the office of Governor or Lieutenant Governor.

Section 11. The Governor shall annually communicate to the Legislature, by message, the condition of the State, and may in like manner recommend measures as he may deem desirable.

Section 12. All executive and administrative offices, departments and instrumentalities of the State Government and their respective functions, powers and duties shall be established by law. Each principal department is under the supervision of the Governor and is headed by a director. Directors are nominated and appointed by the Governor, with the advice and consent of the Legislature, to serve at the

pleasure of the Governor during his term of office and until the appointment and qualification of their successors. Whenever a board, commission or other body is the head of a principal department or a regulatory or quasi-judicial agency, the members are nominated and appointed by the Governor with the advice and consent of the Legislature. The term of office and removal of members are prescribed by law.

Section 13. If required to preserve the public peace, health, or safety, at a time of extreme emergency caused by civil disturbance, natural disaster, or immediate threat of war or insurrection, the Governor may declare a state of emergency and issue appropriate decrees. A declaration of emergency may not impair the power of the judiciary. A declaration of emergency may impair a civil right to the extent actually required for the preservation of peace, health, or safety. Within thirty days after the declaration of emergency, the Legislature shall convene at the call of the Speaker or the Governor to consider revocation, amendment or extension of the declaration. Unless it expires by its own terms, is revoked or extended, a declaration of emergency is effective for thirty days.

ARTICLE VI The Judiciary

Section 1. The judicial power of the State is vested in the State Court and such inferior courts as may be created by law.

Section 2. The State Court is a court of record and the highest court of the State. It consists of a Chief Justice and an Associate Justice. Additional associate justices may be added by law. Retired justices, justices pro tempore qualified by law, and sitting justices from other jurisdictions within the Federated States of Micronesia may serve at the request of the Chief Justice. Each justice is a member of both the trial division and the appellate division, except that sessions of the trial division may be held by one justice. No justice may sit with the appellate division in a case heard by him in the trial division. At least three justices shall hear and decide appeals. In case of vacancy in the office of the Chief Justice, or if he is ill, absent, or otherwise unable to serve, the most senior associate justice serves temporarily in his place. The most senior associate has the longest tenure.
(Amended by 1995 Con. Con.)

Section 3. The Governor nominates and appoints the Chief Justice and associate justices with the advice and consent of three-fourths of the Senators. Justices hold their offices during good behavior for terms of six years. Justices shall retire upon attaining the age of sixty-five years.

- Section 4. Justices of the State Court are at least thirty-five years of age, are learned in the law, have never been convicted of a felony, and possess additional qualifications as may be prescribed by law.
- Section 5. Compensation of justices of the State Court is prescribed by law. Compensation may not be increased or decreased during their terms of office, except by general law applying to all State Government employees.
- Section 6. The State Court has original jurisdiction in all cases, except cases within the exclusive and original jurisdiction of inferior courts. The State Court has jurisdiction to review all decisions of inferior courts. Decisions of the Trial Division of the State Court may be appealed to the appellate division of the State Court, as shall be prescribed by law. Decisions of the highest division of the State Court may be appealed to the appellate division of the Supreme Court of the Federated States of Micronesia. The courts of the State constitute a unified judicial system for operation and administration.
(Amended by 1995 Con. Con.)
- Section 7. The State Court shall make and promulgate rules governing the administration of all courts. The State Court shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts, which have the force and effect of law upon issuance by order of the Chief Justice; provided, the Legislature may establish or change rules by law.
- Section 8. The Chief Justice is the chief administrator of the State judicial system. The administration of the State judicial system, including property, budget matters, is independent of the Legislature and Executive. The Chief Justice shall submit an annual budget to the Governor.
(Amended by 1995 Con. Con.)
- Section 9. Court decisions shall be consistent with this Constitution, State traditions and customs, and the social and geographical configuration of the State.

ARTICLE VII

Recall and Impeachment

- Section 1. The Governor, Lieutenant Governor, a justice of the State Court, or a Senator may be removed from office by recall. Recall is initiated by a petition which shall identify the official sought to be recalled by name and office, state the grounds for recall, and be signed by at least twenty-five percent of the persons qualified to vote for the office occupied by the official, except that recall of a justice of the State Court requires the same number of signatures as a statewide elective office. A special recall election shall be held not later than sixty calendar days after the filing of the recall petition. An official is removed from office with the approval of a majority of the persons voting in the election. A recall petition may not be filed against an official during the first year of his term of office.

Section 2. The Governor, Lieutenant Governor or a justice of the State Court may be removed from office upon conviction of impeachment for misfeasance or malfeasance in office, or for conviction of a felony. A justice of the State Court may be impeached by a petition from the Governor setting forth in detail the grounds of impeachment. The Governor or the Lieutenant Governor may be impeached by a petition from the Chief Justice of the State Court setting forth in detail the grounds of impeachment. Upon the signing of a petition of impeachment, it shall be served upon the Speaker of the Legislature who shall convene the Legislature to try the impeachment. A conviction of impeachment requires the concurrence of three-fourths of the Senators. The manner and procedure of removal by impeachment shall be prescribed by law. Judgments in cases of impeachment may not extend beyond removal from office and disqualification to hold any office of honor, trust, or profit under the State, but such person may be liable and subject to information, trial, judgment, and punishment according to law. No officer may exercise his official duties after he has been impeached and notified thereof, until he may have been acquitted.

ARTICLE VIII Municipal Government

- Section 1. The levels of government in the State are State and municipal.
- Section 2. A municipality may frame and adopt a charter for its own self-government within limits and under procedures prescribed by law.
- Section 3. A municipality has powers and functions relating to its local affairs, property and government that are not denied or limited by law.

ARTICLE IX Taxation and Revenue Sharing

- Section 1. The power to tax is a State Government power, except that municipal governments may impose taxes subject to law. Taxes shall be imposed uniformly.
- Section 2. Not less than fifty percent of the revenues from State taxes shall be paid into the treasury of the municipality where collected.
- Section 3. Religious activities of churches, non-profit activities of non-profit organizations and land within the State, and property of the State Government and municipal governments are exempt from taxation. The Legislature shall enact a law providing for the qualification of non-profit organizations no later than January 1, 1997.
(Amended by 1995 Con. Con.)

Section 4. Public money received by the State Government may be apportioned among municipalities by law. Except where the money is available to the State under terms or conditions that do not permit, apportionment among the municipalities for economic development shall be made according to the needs of municipalities as expressed in municipal government plans approved by the State Government.
(Amended by 1995 Con. Con.)

Section 5. At least ten percent of any money received by the State which is not designated for a specific purpose, excluding any monies received pursuant to the Compact of Free Association, shall be apportioned among the municipalities.
(Added by 1995 Con. Con.)

ARTICLE X Finance

Section 1. Public money raised or received by the State Government shall be deposited within the State Treasury. No money may be withdrawn from the State Treasury except in accordance with appropriations or authorizations made by law.

Section 2. Regular statements accounting for all public money received, obligated, or expended shall be published by the State Treasurer as prescribed by law.

Section 3. The Legislature may not appropriate or authorize funds in excess of estimated available revenues and other money available to the State Government.

Section 4. No appropriation of public money may be made or public property transferred or used except for a public purpose.

Section 5. The Governor shall submit an annual budget to the Legislature at a time prescribed by law, setting forth a complete plan of proposed expenditures, anticipated revenues, and other money available to the State Government for the next fiscal year, together with additional information the Legislature may require. The budget shall be submitted in a form prescribed by law. The Legislature may alter the budget in any respect.

Section 6. The Governor may borrow money on the public credit as authorized by law.

Section 7. There shall be regular and independent audits of State agencies and public money.

Section 8. A public service system shall be established by law within one year from the ratification of this amendment.
(Added by 1995 Con. Con.)

Section 9. All State Government obligations and disbursements of funds shall be discharged from the State Treasury in accordance with law that provides for a unified, state-wide financial management system for all branches of government.
(Added by 1995 Con. Con.)

ARTICLE XI

Land and the Environment

Section 1. A person has the right to a healthful, clean, and stable environment. While providing for the orderly development and use of natural resources, the State Government shall by law protect the State's environment, ecology, and natural resources from impairment in the public interest.

Section 2. There may be no nuclear, chemical, gas or biological weapons, or radioactive material hazardous to public health or safety, within the State. No recognized harmful pollutant, hazardous waste or other hazardous substance may be disposed of within the State except as expressly authorized by State law.
(Amended by 2005 Con. Con.)

Section 3. The use of real property shall in the public interest be regulated by law to assure public health, community well-being, the orderly and economical use of land, preservation of places of cultural or historic value, and island beauty.

Section 4. The waters, land, and other natural resources within the marine space of the State are public property, the use of which the State Government shall regulate by law in the public interest, subject to the right of the owner of land abutting the marine space to fill in and construct on or over the marine space; provided, the right may be limited by other provisions of this article and any use of the waters, land and other natural resources within the marine space of the municipality by the State Government is subject to prior consultation between the State Government and the municipality where the marine space is situated. Consultation procedures shall be provided by statute.
(Amended by 1995 Con. Con.)

Section 5. The State Government may acquire interests in private land for a public purpose without the consent of the interested parties. The acquisition may occur upon payment of fair compensation and the State Government's showing that the land and the interest are highly suited to their intended use, that it has made a good faith effort to gain the consent of the interested parties, and that it has made every reasonable effort to avoid substantial hardship to the interested parties in consideration of their personal circumstances. Procedures for the acquisition shall be prescribed by law and shall include the payment by the State Government to the interested parties of the attorney costs and reasonable attorney's fees incurred in connection with the acquisition proceedings.
(Amended by 1995 Con. Con.)

- Section 6. Rivers and streams designated by law are public property, the use of which the State Government shall regulate by law in the public interest.
- Section 7. Only a person who is a citizen of the Federated States of Micronesia and Kosraean by descent, including by adoption, or a corporation which is wholly owned by such persons, may acquire title to land in the State. Acquisition of title by persons whose status as Kosraeans by descent is based solely on adoption shall be within limits set by law. Acquisition or utilization of interests in real property may be restricted or regulated by law.
(Amended by 1995 Con. Con.)
- Section 8. No certificate of title shall be issued to the State Government for land consisting of the road and adjacent areas except where the State has actual title. A certificate of title previously issued to the State for such land is voidable upon application by the landowner holding title; provided that any prior use agreement between the State Government and the private landowner shall be reinstated according to its terms until modified.
(Added by 1995 Con. Con.)
- Section 9. The State Government shall transfer to the original owners, their heirs or assigns, all public land above the Japanese line. The procedures for this transfer shall be as prescribed by law.
(Added by 1995 Con. Con.)

ARTICLE XII Education and Health

- Section 1. The State Government shall promote education and health.

ARTICLE XIII Language

- Section 1. The Kosraean language is the language of the State. The English language may also be employed in governmental discourse and proceedings, and other governmental activities within the State.
- Section 2. The Kosraean and English language expressions of this Constitution are of equal authority. In an instance of irresolvable conflict in the meaning of those expressions, the Kosraean language expression prevails.
(Amended by 1995 Con. Con.)

ARTICLE XIV Oath of Office

- Section 1. A person elected to a public office of the State, nominated and appointed with the advice and consent of the Legislature to governmental duties within the State, or to be engaged in law enforcement in the State, before exercising governmental duties, shall solemnly swear or affirm to uphold and defend to the best of his abilities this Constitution and laws of the State in carrying out his duties. This section shall be implemented by law.

ARTICLE XV Amendment

- Section 1. An amendment to this Constitution may be proposed by a constitutional convention, popular initiative, or by the Legislature. An amendment proposed by popular initiative requires a petition signed by at least twenty-five percent of the registered voters. An amendment proposed by the Legislature requires adoption of a resolution by three-fourths of the Senators.
- Section 2. A proposed amendment becomes part of this Constitution when approved by a majority of the votes cast on the amendment and in not less than a majority of the municipalities.
- Section 3. At least every ten years, the Legislature shall submit to the voters the question: "Shall there be a convention to amend the Constitution?" If a majority of the voters cast upon the question is in the affirmative, delegates to the constitutional convention shall be chosen no later than the next general election.
- Section 4. The Legislature shall make the necessary appropriations for the execution of this article.

ARTICLE XVI Transition

- Section 1. This Constitution takes effect at noon on January 11, 1984.
- Section 2. Elected officers of the chartered State Government on the effective date of this Constitution continue in office under this Constitution until succeeded by officers elected pursuant to this Constitution, unless removed from office pursuant to this Constitution.
- Section 3. The first general election pursuant to this Constitution takes place on the first Tuesday after the first Monday of November of 1986. The terms of office of officers elected in the general election begin at noon on the second Monday of January of 1987.

- Section 4. All laws in effect in this State on the effective date of this Constitution continue in effect, except to the extent they are inconsistent with this Constitution, until amended, repealed, or they expire by their own limitation.
- Section 5. Municipalities existing on the effective date of this Constitution continue to exercise their powers and functions in a manner consistent with this Constitution.
- Section 6. Except as otherwise provided by this Constitution, all rights, titles, actions, suits, contracts, liabilities, writs, proceedings, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, defenses, claims, and demands continue unaffected.
- Section 7. The constitutional State Government succeeds to all rights acquired by the chartered State Government, and may assume obligations and liabilities incurred by the chartered State Government.
- Section 8. Nothing in this Constitution may be deemed to constitute a waiver or release of the Administering Authority, the Trust Territory of the Pacific Islands, the National Government of the Federated States of Micronesia, or any governmental entity or person from any continuing or unsatisfied obligation or duty owing to the people of the State, or the State Government or municipal governments of the State. The people of the State, the State Government, and municipal governments of the State retain all rights, interests, and causes of action not specifically and expressly released or waived.
- Section 9. Officers and employees of the chartered State Government remain as employees of the constitutional State Government, except as otherwise provided by law.

*Adopted by the First Constitutional Convention April 1st 1983
Ratified at referendum on October 15, 1983.
Effective date of Constitution: January 11, 1984.*

*Amendments adopted by the Second Constitutional Convention
Amendments certified on February 18, 1995.
Amendments ratified at referendum in 1995.*

<http://www.fsmlaw.org/kosrae/constitution/entire.htm> 2/8/2006